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# HOUSE BILL No. 1218

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 9-13-2; IC 9-24.

**Synopsis:** Prohibiting cell phone use by newer drivers. Makes it a Class C infraction for the holder of a: (1) learner's permit; or (2) probationary driver's license; to operate a motor vehicle and use a mobile telephone simultaneously, except in an emergency situation.

**Effective:** July 1, 2006.

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January 10, 2006, read first time and referred to Committee on Roads and Transportation.

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Introduced

Second Regular Session 114th General Assembly (2006)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2005 Regular Session of the General Assembly.

## HOUSE BILL No. 1218

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 9-13-2-30.7 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2006]: **Sec. 30.7. "Commercial mobile radio service", for**  
4 **purposes of IC 9-13-2-199.1, has the meaning set forth in**  
5 **IC 36-8-16.5-5.**

6 SECTION 2. IC 9-13-2-49.7 IS ADDED TO THE INDIANA CODE  
7 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
8 1, 2006]: **Sec. 49.7. "Emergency situation", for purposes of**  
9 **IC 9-24-7-4 and IC 9-24-11-3, means a threat to the safety or**  
10 **security of a person or property.**

11 SECTION 3. IC 9-13-2-103.3 IS ADDED TO THE INDIANA  
12 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
13 [EFFECTIVE JULY 1, 2006]: **Sec. 103.3. "Mobile telephone" means**  
14 **the device used by subscribers of a wireless telephone service to**  
15 **access the service.**

16 SECTION 4. IC 9-13-2-193.5 IS ADDED TO THE INDIANA  
17 CODE AS A **NEW** SECTION TO READ AS FOLLOWS

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[EFFECTIVE JULY 1, 2006]: **Sec. 193.5. "Use", for purposes of IC 9-24-7-4(c) and IC 9-24-11-3(f), means using a mobile telephone to place or receive a call.**

SECTION 5. IC 9-13-2-199.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 199.1. "Wireless telephone service", for purposes of IC 9-13-2-103.3, means two-way real time voice telecommunications service that is interconnected to a public switched telephone network and is provided by a commercial mobile radio service.**

SECTION 6. IC 9-24-7-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 4. (a) Subsection (c) does not apply when the holder of a learner's permit uses a mobile telephone in an emergency situation to:**

- (1) transmit an emergency call (as defined in IC 35-45-2-3(c));**
- (2) contact a health care provider (as defined in IC 16-18-2-163);**
- (3) contact a police and law enforcement system established under IC 36-8-2-2; or**
- (4) contact a firefighting and fire prevention system established under IC 36-8-2-3.**

**(b) A learner's permit authorizes the permit holder to operate a motor vehicle, except a motorcycle, upon a public highway under the following conditions:**

- (1) While the holder is participating in practice driving in an approved driver education course and is accompanied by a certified driver education instructor in the front seat of an automobile equipped with dual controls.**
- (2) If the learner's permit has been validated and the holder is less than eighteen (18) years of age, the holder may participate in practice driving if the seat beside the holder is occupied by a guardian, stepparent, or relative of the holder who holds a valid operator's, chauffeur's, or public passenger chauffeur's license.**
- (3) If the learner's permit has been validated and the holder is at least eighteen (18) years of age, the holder may participate in practice driving if accompanied in the vehicle by an individual who holds a valid operator's, chauffeur's, or public passenger chauffeur's license.**
- (4) While:**
  - (A) the holder is enrolled in an approved driver education course;**
  - (B) the holder is participating in practice driving after having**

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commenced an approved driver education course; and  
 (C) the seat beside the holder is occupied by a parent,  
 stepparent, or guardian of the holder who holds a valid  
 operator's, chauffeur's, or public passenger chauffeur's license.

**(c) The holder of a learner's permit issued under this section may not:**

**(1) operate a motor vehicle; and**

**(2) use a mobile telephone;**

**simultaneously.**

SECTION 7. IC 9-24-11-3 IS AMENDED TO READ AS  
 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. **(a) Subsection (f)**  
**does not apply when the holder of a learner's permit uses a mobile**  
**telephone in an emergency situation to:**

**(1) transmit an emergency call (as defined in IC 35-45-2-3(c));**

**(2) contact a health care provider (as defined in**  
**IC 16-18-2-163);**

**(3) contact a police and law enforcement system established**  
**under IC 36-8-2-2; or**

**(4) contact a firefighting and fire prevention system**  
**established under IC 36-8-2-3.**

~~(a)~~ **(b)** A license issued to an individual less than eighteen (18)  
 years of age is a probationary license.

~~(b)~~ **(c)** An individual holds a probationary license subject to the  
 following conditions:

(1) Except as provided in IC 31-37-3, the individual may not  
 operate a motor vehicle during the curfew hours specified in  
 IC 31-37-3-2.

(2) During the ninety (90) days following the issuance of the  
 probationary license, the individual may not operate a motor  
 vehicle in which there are passengers unless another individual  
 who:

(A) is at least twenty-one (21) years of age; and

(B) holds a valid operator's license issued under this article;  
 is present in the front seat of the motor vehicle.

(3) The individual may operate a motor vehicle only if the  
 individual and each occupant of the motor vehicle has a safety  
 belt properly fastened about the occupant's body at all times when  
 the motor vehicle is in motion.

~~(c)~~ **(d)** An individual who holds a probationary license issued under  
 this section may receive an operator's license, a chauffeur's license, a  
 public passenger chauffeur's license, or a commercial driver's license  
 when the individual is at least eighteen (18) years of age.

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1        ~~(d)~~ (e) A probationary license issued under this section:

2            (1) is valid for not more than four (4) years from the date the  
3            license is issued; and

4            (2) may not be renewed.

5        **(f) The holder of a probationary license issued under this section**  
6        **may not:**

7            **(1) operate a motor vehicle; and**

8            **(2) use a mobile telephone;**

9        **simultaneously.**

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